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SUBJECT: MOZAMBIQUE: UPDATE ON WORST FORMS OF CHILD LABOR INFORMATION

REF: STATE 143552

Summary

1. Mozambique is party to the ILO convention against the worst forms of child labor (Convention 182). The Government of the Republic of Mozambique (GRM) has a regulatory framework in place to monitor and prosecute infractions of the labor code, but it does not have a regulatory body specifically devoted to child labor cases. The Ministry of Labor (MOL) and non-governmental organizations (NGOs) have increased efforts to develop programs to combat the worst forms of child labor, but impact to date remains minimal. The Labor Law regulates child labor. However child labor remains a problem in Mozambique; forced and bonded labor are common practices in the rural areas. End Summary.

Incidence and Nature of Child Labor

2. Updated statistics on the incidence of child labor in Mozambique are unavailable. However according to a 2001 report released by the Brussels-based International Confederation of Free Trade Unions (ICFTU), nearly 33 percent of Mozambican children between the ages of 10-14 were expected to be economically active. UNICEF has similar estimates, and states that more than 1 million Mozambican children under 14 were subject to exploitative labor in 2003. A rapid assessment child labor survey of children under 18 conducted between 1998-2002 by the MOL and UNICEF identified the worst forms of child labor prevalent in Mozambique as children working in commercial agriculture, domestic labor, and child prostitution. Forced and bonded labor are common practices in the rural areas. However, there is no legislation that prohibits such practices.

3. The major factors contributing to child labor in Mozambique are chronic family poverty, lack of employment for adults, breakdown of family support mechanisms, changing economic environment, lack of education opportunities resulting from inadequate education system, gender inequality, and the impact of HIV/AIDS. According to Save the Children, nearly 500,000 children in Mozambique have lost one or both parents to AIDS. This number is expected to rise to approximately 1.13 million by the end of 2007. Save the Children estimates that one in every five households in Mozambique care for at least one orphan. Children orphaned by HIV/AIDS often are forced to work because they are left without any adult family members or with only extended family members who were unable to support them.

Laws and Regulations Defining Child Labor

4. The government ratified ILO Conventions 182 and 29 (Forced Labor) in June 2003. Post cannot confirm whether Mozambique has developed a list of occupations considered to be worst forms of child labor as called for in Article 4 of Convention 182. Focus on children's rights has increased over the past year. The Ministry of Foreign Affairs (MFA) has now been charged with working to deposit at the UN the UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, as well as the UN Optional Protocol to Prevent, Suppress, and Punish Trafficking in Persons. However, no timeline has been set by the GRM.

5. Law 8/98 sets the minimum age for employment at 15 years, but in exceptional cases allows for children between the ages of 12 and 15 to work with the joint approval of the Ministries of Labor, Health, and Education. The law sets restricted conditions on the work minors between the ages of 15 and 18 may perform, limits the number of hours they can work, and establishes training, education, and medical exam requirements. For children between 15 and 18 years of age, the employer is required to provide for their education and professional training and to ensure that conditions of work are not damaging to their physical and moral development.

6. With assistance from UNICEF and a local NGO, Community Development Foundation (FDC), the GRM undertook a legal review of children's rights in late 2003, which resulted in the formation of a Child Protection Committee in 2004. The committee, comprised of child welfare organizations and

government officials, is currently finalizing a draft for a new Statute of Assistance for Minors. (Note: The existing statute, which determines jurisdiction for children's issues, dates back to colonial times. End note.) The committee is also responsible for drafting separate children's protection legislation, which is due in December 2005.

17. For minors under 18 years the maximum workweek is 38 hours and the maximum workday is 7 hours. Minors under 18 years of age are not permitted to work in unhealthy or dangerous occupations or those requiring significant physical effort. Children must undergo a medical examination before beginning work. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher. The Constitution prohibits forced labor, except in the context of penal law.

18. Due to high adult unemployment in the formal sector, estimated at around 50 percent, few children are employed in regular wage positions. However children, including those under the age of 15, commonly work on family farms; independently in seasonal harvests or commercial plantations, where they are paid on a piecework basis, which principally involves picking cotton or tea leaves; or in the urban informal sector, where they perform such tasks as guarding cars, collecting scrap metal, working as vendors, and selling trinkets and/or food in the streets. Regulations are not enforced in the informal labor sector. Children also are employed as poorly paid domestic laborers, and this number continues to increase.

19. Mozambican law does not specifically prohibit trafficking in persons. Traffickers can be prosecuted using laws on sexual assault, rape, abduction, and child abuse, but to Post's knowledge no such cases have been brought to trial. The government has responded to trafficking-related allegations in the press by conducting follow-up investigations and issuing public awareness announcements. In September 2003, the government launched a program to enhance its child protection laws, including the development of legislation to specifically address trafficking in children. A pilot program of police stations dedicated to dealing with trafficking victims, and staffed with trained officers, was implemented in Maputo, Beira and Nampula.

10. Mozambique's Campaign Against Trafficking in Children, in which the government actively participates, is working to establish an assistance center in Moamba for repatriated victims of child trafficking. The project, which has received USG funding, is located close to the border post of Ressano Garcia, a major thoroughfare for trafficked persons.

Implementation and Enforcement of Labor Laws

11. The MOL is authorized to regulate child labor in both the informal and formal sectors. Labor inspectors are authorized to obtain court orders and use police to enforce compliance with child labor provisions. Violations of child labor provisions are punishable with fines. Enforcement remedies generally are adequate in the formal sectors, but remain poor in the regulation of informal child labor. The Labor Inspectorate and police force lack adequate staff, funds, and training to investigate child labor cases, especially in areas outside of the capital, where many cases occur. The government provides training for police on child prostitution and abuse (including pornography); however, there is no specialized child labor training for the Labor Inspectorate. The government has disseminated information and provided education about the dangers of child labor.

12. Education is compulsory through the age of 12. There is a matriculation fee for each child, and children are responsible for purchasing books and school supplies. Children who have a certificate that testifies that their parents' incomes are below a certain poverty level do not pay any matriculation fees. Nevertheless, the fees and associated costs are a significant financial burden for many families. Enforcement of compulsory education laws is inconsistent due to the lack of resources and the need for additional schools.

Social Programs to Counter Child Labor

13. The MOL and other organizations have done some work on child labor issues, but with little impact. The MOL has developed an action plan for reducing child labor and allocated funds to organize seminars to discuss this issue. The first ever workshop on child labor in Mozambique's tobacco sector organized by the Eliminating Child Labor in Tobacco Foundation (ECLT) and FDC was held in May 2004 in Chimio, Manica province. Following two days of intense debate, there was widespread recognition that child labor exists in Mozambican tobacco farms and that the issue needs to be properly addressed. Commercial farmers who attended pledged not to employ labor below the age of 18. The trade union movement in Mozambique has been involved in the

eradication of child labor. The Confederation of Trade Unions (OTM) has participated in several initiatives against child labor particularly in rural areas where it is common. Activities have included participation in seminars and workshops and in the design of the child labor regulations.

¶14. The U.S. Department of Labor Bureau of International Labor Affairs (ILAB) intends to fund USD 3 million to improve access to and quality of education programs as a means to combat exploitive child labor in Mozambique. Projects funded under this solicitation will provide educational and training opportunities to children as a means of removing and/or preventing them from engaging in exploitive work or the worst forms of child labor.

¶15. The GRM also has programs aimed at supporting children from impoverished families to stay in school and away from the labor market and the worst forms of child labor. For example, the GRM has established a scholarship program to cover the costs of school materials and fees for children. These programs are especially targeted at young girls and child-headed households, a phenomenon resulting from the high prevalence of HIV/AIDS in Mozambique.

National Policy and Plan of Action

¶16. The GRM's Poverty Reduction Strategy for 2001-2005 includes an education investment component. The GRM designated approximately 4.5 percent of its total expenditures for education in 2004, up from 2.41 percent in 2003. The Ministry of Education has made significant progress in increasing enrollments at all levels; however, significant challenges remain. In 2004, 73.2 per cent of primary school age girls were enrolled in primary education in Mozambique compared to 78.0 per cent of boys. Completion rates are still much lower, especially for girls. In 2003, only 38.7 per cent of children starting school managed to pass the exam after grade 5. For girls the figure was only 35.4 per cent. Over the next five years the government wants to increase enrollment rates to 80 percent overall and to 78 percent for girls. The GRM's program envisages 2,500 new secondary school classrooms by 2009, and the recruitment of 7,000 new teachers. The program also promises to improve the quality of education at all levels by investing in teacher training and school equipment, by increasing the amount of time children spend at school, and by systematically updating the curriculum.

¶17. The Government of Mozambique and UNICEF signed a Master Plan of Operations in 2002. The overall goal of the co-operation between UNICEF and the GRM is to support and strengthen the capacities of the country to fulfill the basic rights of children and to improve their living conditions and prospects. The UNICEF country program is worth USD 86 million for the years 2002 to 2006. It is guided by the Convention on the Rights of Children and the Convention on the Elimination of Discrimination Against Women. To achieve its goals, UNICEF is working with the GRM on a national, provincial and district level, as well as with young people and children in the community.

¶18. Mozambique's government-run TV channel, TVM, is introducing a new program dedicated to child rights called "Roda Viva." The main objective of the program is to cover activities related to the second National Child Parliament, which was held in April 2004 in Maputo, and will include reports from different provinces about the follow up to the recommendations adopted at the National Child Parliament. The program is being produced in close collaboration between UNICEF and the Ministry for Women and the Coordination of Social Action. UNICEF has supported the production of the first 13 parts financially and technically, and will facilitate the coverage from additional provinces in 2005.

La Lime